

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FORREST STOBBE,

Plaintiff,

v.

DR. GILL, et al.,

Defendants.

Case No. 1:20-cv-00656-ADA-HBK (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(ECF No. 12)

Plaintiff Forrest Stobbe (“Plaintiff”) is proceeding *pro se* and *in forma pauperis* in this civil rights action. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On April 12, 2023, the Magistrate Judge filed a Findings and Recommendations (“F&R”), recommending the District Court to dismiss this action for Plaintiff’s failure to comply with a court order and prosecute this action. (ECF No. 12.) Specifically, on February 3, 2023, the Magistrate Judge screened Plaintiff’s Complaint and found that it stated cognizable Americans with Disabilities Act (“ADA”) and Rehabilitation Act (“RA”) claims against Dr. Gill but no other Defendants. (See ECF No. 9.) Plaintiff was given two options: (1) file a Notice under Rule 41 stating Plaintiff intends to stand on his FAC as screened herein and proceed only on his ADA and RA claims against Defendant Gill in her official capacity but no other claim, thereby voluntarily dismissing the other Defendants and other claims the Court deemed not cognizable; or (2) stand on

1 his FAC subject to the undersigned issuing a Findings and Recommendations to dismiss the
2 Defendants and claims the Court has deemed not cognizable. (*Id.* at 11-12.) Plaintiff failed to
3 exercise either of the options to respond to the screening order. On March 22, 2023, the Court
4 issued an Order to Show Cause, advising Plaintiff that the Court may involuntarily dismiss the
5 action if litigant fails to prosecute an action or comply with a court order, under Rule 41(b) of the
6 Federal Rules of Civil Procedure and Local Rule 110. (ECF No. 10.) Plaintiff failed to respond to
7 the Order to Show Cause.

8 The April 12, 2023, F&R was served on Plaintiff and contained notice that objections to the
9 F&R were to be filed within fourteen days. (ECF No. 12 at 4-5.) On April 24, 2023, the Court
10 received a Notice that the F&R was returned “Undeliverable, Refused.” Plaintiff’s Change of
11 Address was due no later than July 3, 2023. Local Rule 183(b). Plaintiff has not filed an updated
12 address as required by Local Rule 182(f), and the time to do so has expired. Plaintiff has also failed
13 to exercise either of the options to respond to the screening order.

14 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a
15 *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the Findings
16 and Recommendations to be supported by the record and by proper analysis.

17 Accordingly,

- 18 1. The Findings and Recommendation, filed on April 12, 2023, (ECF No. 12), is adopted
19 in full; and
- 20 2. The Clerk of Court shall terminate any pending motions, close this case, and enter
21 judgment against Plaintiff.

22
23
24 IT IS SO ORDERED.

25 Dated: July 13, 2023

26 
UNITED STATES DISTRICT JUDGE